

## REMARKS

Claims 56-75 remain in the application for further prosecution. Claims 56, 57, 65, and 75 have been amended. Claims 76-85 have been added. Claims 58-59 have been cancelled. Claims 1-55 have been cancelled in previous amendments. No new matter has been added.

### Claim Rejections Under 35 U.S.C. § 102

Claims 56-75 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Publ. No. 2005/0055113 (“Gauselmann”). The Applicant respectfully submits that claims 56-57 and 60-85 are patentable over Gauselmann for at least the following reasons.

#### Independent Claim 56

Independent claim 56 recites, *inter alia*, “increasing an amount of a first set of one or more of the prize pools in response to the randomly selected outcome being the first outcome, and increasing an amount of a second set of one or more of the prize pools in response to the randomly selected outcome being the second outcome, the second set being different from the first set, the first set of one or more prize pools being fixedly associated with the first outcome, the second set of one or more prize pools being fixedly associated with the second outcome.” (Emphasis Added). In other words, regardless of what occurs during the wagering game, each of the prize pools in the first set of prize pools will always be associated with the first outcome, and each of the prize pools in the second set of prize pools will always be associated with the second outcome. For example, regardless of what occurs during the wagering game, the occurrence of a first outcome will cause an increase for the exact prize pool(s) that were previously increased in response to a previous occurrence of the first outcome.

Gauselmann fails to disclose or suggest at least the above-recited features of independent claim 56. Rather, Gauselmann discloses a wagering game that increments progressive jackpots based on the location of a jackpot image on a display relative to the location of a symbol on the display. Gauselmann, ¶¶ 20-22. More specifically, Gauselmann discloses the following:

[0020] Above each column of symbols is a progressive jackpot display 16-20. Each display 16-20 is associated with the column of symbols beneath it. . . .

[0022] FIG. 2 illustrates how each of the progressive jackpots may be incremented during play. Each column of symbols includes value symbols that, when displayed, **increment the jackpot associated with that column** by a

specified amount. In the example of FIG. 2, the symbols \$50 and \$100 increment the corresponding jackpots by \$50 and \$100, respectively. Any other type of symbol for incrementing the jackpots may be used.

Gauselmann, ¶¶ 20, 22; Figs. 1-2 (emphasis added).

Once one or more of the jackpots are won, Gauselmann discloses that “the ‘train’ of progressive jackpots shifts so that the hidden jackpots now become visible and are aligned over associated columns of symbols.” Gauselmann, ¶¶ 8, 30; Figs. 3-4. For example, Figure 3 of Gauselmann illustrates a player having won the three progressive jackpots of 50, 700, and 100, and Figure 4 illustrates the remaining jackpots of 400 and 200 subsequently shifted three places to the right to be associated with new columns on the display. Significantly, because the jackpots are increased based on a symbol in an associated column located below the jackpot and the jackpots are shifted to be associated with new columns after a jackpot is won, a symbol outcome that increased a jackpot before a win, may not increase that same jackpot after a win. Accordingly, Gauselmann discloses a wagering game in which the jackpots are **not** fixedly associated with the outcomes that increase the jackpots, as recited in independent claim 56.

Moreover, if Gauselmann were modified to provide jackpots that were fixedly associated with the outcomes that increase the jackpots, such a modification would impermissibly change the principle of operation of the wagering game disclosed by Gauselmann. See MPEP § 2143.01(VI).

For at least these reasons, independent claim 56 is patentable over Gauselmann.

*Dependent Claims 57, 60-64, and 77-79*

Claims 57, 60-64, and 77-79 depend directly or indirectly from independent claim 56. Accordingly, for at least the reasons explained above with respect to independent claim 56, claims 57, 60-64, and 77-79 are also patentable over Gauselmann.

Additionally, claim 62 recites, *inter alia*, “each of the one or more prize pools in the first set are increased by an amount that is **randomly determined in response** to the randomly selected outcome being the first outcome.” (Emphasis Added). Gauselmann also fails to disclose or suggest at least this feature. The Office Action applies paragraph 22 of Gauselmann as disclosing this feature. Office Action, p. 6. However, paragraph 22 of Gauselmann merely states that “[e]ach column of symbols includes *value symbols* that, when displayed, increment the jackpot associated with that column by *a specified amount*.” Gauselmann, ¶ 22 (emphasis

added). Gauselmann also discloses that other symbols may be used to increment the jackpots such as, for example, “a plum symbol to increase a jackpot by a *certain amount*, such as \$25.” Gauselmann, ¶¶ 22, 31 (emphasis added). In other words, Gauselmann discloses that the symbols or outcomes that increase a jackpot have predetermined amounts. Accordingly, Gauselmann does not disclose increasing a jackpot by a random amount in response to an outcome. For at least this additional reason, claim 62 is patentable over Gauselmann.

#### Independent Claim 65

Independent claim 65 recites, *inter alia*, “the first set of one or more prize pools increasing in response to the randomly selected outcome being the first outcome, and the second set of one or more prize pools increasing in response to the randomly selected outcome being the second outcome, the first set of one or more prize pools being fixedly associated with the first outcome, the second set of one or more prize pools being fixedly associated with the second outcome.”

As explained above with respect to independent claim 56, Gauselmann fails to disclose or suggest at least these features. Rather, Gauselmann discloses a wagering game that increments progressive jackpots based on the location of a jackpot image on a display relative to the location of a symbol on the display. Gauselmann, ¶¶ 20-22; Figs. 1-2. Moreover, once one or more of the jackpots are won, Gauselmann discloses that “the ‘train’ of progressive jackpots shifts so that the hidden jackpots now become visible and are aligned over associated columns of symbols.” Gauselmann, ¶¶ 8, 30; Figs. 3-4. Thus, a symbol outcome that increased a jackpot before a win, may not increase that same jackpot after a win. Accordingly, Gauselmann discloses a wagering game in which the jackpots are **not** fixedly associated with the outcomes that increase the jackpots, as recited in independent claim 65.

For at least this reason, independent claim 65 is patentable over Gauselmann.

#### Dependent Claims 66-74 and 80

Claims 66-74 and 80 depend directly or indirectly from independent claim 65. Accordingly, for at least the reasons explained above with respect to independent claim 65, claims 66-74 and 80 are also patentable over Gauselmann.

Independent Claim 75

Independent claim 75 recites, *inter alia*, “the first set of one or more prize pools are increased in response to the randomly selected outcome being the first outcome and the second set of one or more prize pools are increased in response to the randomly selected outcome being the second outcome, the first set of one or more prize pools being fixedly associated with the first outcome, the second set of one or more prize pools being fixedly associated with the second outcome.”

As explained above with respect to independent claim 56, Gauselmann fails to disclose or suggest at least these features. Rather, Gauselmann discloses a wagering game that increments progressive jackpots based on the location of a jackpot image on a display relative to the location of a symbol on the display. Gauselmann, ¶¶ 20-22; Figs. 1-2. Moreover, once one or more of the jackpots are won, Gauselmann discloses that “the ‘train’ of progressive jackpots shifts so that the hidden jackpots now become visible and are aligned over associated columns of symbols.” Gauselmann, ¶¶ 8, 30; Figs. 3-4. Thus, a symbol outcome that increased a jackpot before a win, may not increase that same jackpot after a win. Accordingly, Gauselmann discloses a wagering game in which the jackpots are **not** fixedly associated with the outcomes that increase the jackpots, as recited in independent claim 75.

For at least this reason, independent claim 75 is patentable over Gauselmann.

Dependent Claim 76

Claim 76 depends from independent claim 75. Accordingly, for at least the reasons explained above with respect to independent claim 75, claim 76 is also patentable over Gauselmann.

New Independent Claim 81

To expedite prosecution, the Applicant will discuss new independent claim 81 with respect to the applied reference of Gauselmann. New independent claim 81 recites, *inter alia*, “awarding a first plurality of prize pools in response to the randomly selected outcome being a first prize-pool award outcome; and awarding a second plurality of prize pools in response to the randomly selected outcome being a second prize-pool award outcome, the first plurality of prize pools being different from the second plurality of prize pools.” (Emphasis added).

Gauselmann fails to disclose or suggest at least these features. Rather, Gauselmann discloses that “[t]he number of progressive jackpots won pursuant to the jackpot symbol combination is **based upon the number of credits bet by the player** for that particular game.” Gauselmann, ¶ 7, 27 (emphasis added). Gauselmann explains that this incentivizes the player to bet additional credits. Gauselmann, ¶¶ 27-28, 38. Gauselmann does not disclose any other method for awarding a **plurality** of jackpots in response to an outcome. For at least these reasons, new independent claim 81 is patentable over Gauselmann.

New Dependent Claim 82

New claim 82 depends from independent claim 81. Accordingly, for at least the reasons explained above with respect to independent claim 81, claim 82 is also patentable over Gauselmann.

New Independent Claim 83

To expedite prosecution, the Applicant will also discuss new independent claim 83 with respect to the applied reference of Gauselmann. New independent claim 83 recites, *inter alia*, “increasing an amount of a first set of one or more of the prize pools in response to the randomly selected outcome being the first outcome, and increasing an amount of a second set of one or more of the prize pools in response to the randomly selected outcome being the second outcome, the second set being different from the first set; . . . the first set of prize pools is associated with a first group of gaming terminals, the second set of prize pools is associated with a second group of gaming terminals, the first group of gaming terminals being different from the second group of gaming terminals.”

Gauselmann fails to disclose or suggest at least this feature. Rather, Gauselmann discloses that “[i]f the machine where in a bank of linked machines sharing the same jackpots, any value symbol displayed in the primary games played by each machine in the bank would increment the corresponding jackpot for all the machines in the bank.” Gauselmann, ¶ 23 (emphasis added). In other words, because any value symbol increments the jackpot on all linked machines, there cannot be a first outcome that increments a jackpot associated with a first group of machines and a second outcome that increments a jackpot associated with different

group of machines. For at least this reason, new independent claim 83 is patentable over Gauselmann.

*New Dependent Claims 84-85*

Claims 84-85 depend directly or indirectly from independent claim 83. Accordingly, for at least the reasons explained above with respect to independent claim 83, claims 84-85 are also patentable over Gauselmann.

**Conclusion**

It is the Applicant's belief that all of the claims are in condition for allowance and action towards that effect is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

The fees of \$810 for the Request for Continued Examination under 37 C.F.R. § 1.17(e), \$440 for two (2) independent claims in excess of three under 37 C.F.R. § 1.16(h), and \$416 for eight (8) total claims in excess of 20 under 37 C.F.R. § 1.16(i) are being paid upon filing of the current amendment via the deposit account listed below. It is believed that no other fees are presently due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Nixon Peabody LLP Deposit Account No. 50-4181, Order No. 247079-000238USPX.

Respectfully submitted,

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